

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39179 of 2025

Arising Out of PS. Case No.-504 Year-2024 Thana- PAHARPUR District- East Champaran

Ashok Gupta S/o Laxman Sah R/o Village- Muishharwa, P.S.- Kaleya,
District- Bara (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-08-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary called for in Cr. Misc.
No. 22105 of 2025.

2. The petitioner seeks bail in connection with Paharpur
P.S. Case No. 504 of 2024 (N.D.P.S. G.R. Case No. 100 of 2024)
instituted for the offences under Section 111 of the Bhartiya
Nyaya Sanhita and Sections 8, 20(b)(ii)(c) of the Narcotic Drugs
and Psychotropic Substances Act.

3. As per prosecution case, the police, on receipt of
secret information, chased a truck bearing Regd. No. BR06GF-
7353 and, on search, total 43 bundles of *Ganja*, total weighing
361.2 Kg was recovered from the same. It is further alleged that
on the disclosures made by the driver of the said truck, the police



also chased a Scorpio bearing Regd. No. BR05PB-5419 and, on search, 02 bundles of Ganja, total weighing 16.08 Kg. was also recovered. Accordingly, two separate seizure lists were prepared. The petitioner was found sitting in the Scorpio.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case merely on the basis of suspicion. Petitioner is in custody since 13.11.2024 and has no criminal antecedent. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that the petitioner has no concern with the truck, in question, from which 361.2 Kg. Ganja was recovered. He further submits that the Scorpio, in question, from which alleged 16.8 Kg. Ganja was recovered, four persons including the petitioner were apprehended and the same was driven by the co-accused Ravi Kumar Dubey. The petitioner was found sitting in the alleged Scorpio and had taken lift in the same. The petitioner had no knowledge of the alleged contraband being kept in the alleged Scorpio. The petitioner is neither driver nor owner of the alleged alleged Scorpio. The petitioner has also no concern with the alleged Truck. Learned counsel for the petitioner further submits that the quantity of the Ganja recovered from the alleged Scorpio



is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, the quantity of Ganja recovered from the alleged Scorpio being below the commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Paharpur P.S. Case No. 504 of 2024 (N.D.P.S. G.R. Case No. 100 of 2024), subject to the following conditions;

(i) One of the bailor(s) shall be Ramawadh Prasad who is the *Mama* of the petitioner as also the deponent in the present bail petition.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient



reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) The petitioner will not leave the territorial jurisdiction of the learned court below without its prior permission.

In non-compliance of any of the aforesaid terms and conditions, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(Rudra Prakash Mishra, J)

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